

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ABIGAIL J. HEALY

PLAINTIFF

V.

CIVIL ACTION NO. 5:04CV171BrSu

FERTILE GROUND, INC., d/b/a
SUNSHINE SHELTER FOR CHILDREN

DEFENDANT

AGREED ORDER APPROVING AND ENFORCING SETTLEMENT

THIS MATTER was previously settled during a settlement conference before this Court, and the matter was tentatively dismissed by prior Order instructing the parties to consummate the settlement by December 1, 2005. The Order also allowed either party to petition the Court within ten (10) days of December 1, 2005 to seek enforcement of the settlement. Within this ten (10) day time period, both parties move, *ore tenus*, to have the Court approve and enforce the allocations, terms and conditions of the Settlement Agreement and General Release to be entered into in this matter. The parties represent that all parties are in agreement as to the allocations, terms and conditions set forth in the Settlement Agreement and General Release. The Court has also reviewed the Settlement Agreement and General Release presented to it in this matter. Based on the representations made by the parties, the Court's review of the Settlement Agreement and General Release, and the Court's general knowledge regarding the facts and circumstances of this case, the Court finds as follows:

1. This Court has personal jurisdiction over the parties and venue is proper in this Court for the purpose of approving and enforcing the provisions of the Settlement Agreement and General Release between these parties in this matter.

2. The Settlement Agreement and General Release¹ reflects the parties' agreement that of the total amount of the settlement, the legal fees and expenses of Plaintiff will be paid first. The Settlement Agreement and General Release further reflects the parties' agreement that of the remaining amount of the total settlement, five percent (5%) will be allocated to Plaintiff's claim for lost wages and ninety-five percent (95%) will be allocated to Plaintiff's claim for emotional distress.

3. All parties are in agreement as to the allocations, terms and conditions of the Settlement Agreement and General Release.

AS SUCH, the allocations, terms and conditions of the Settlement Agreement and General Release are hereby approved by this Court.

s/David Bramlette
UNITED STATES DISTRICT JUDGE
1-5-06

AGREED TO BY:

s/Louis H. Watson
Louis H. Watson, Jr., attorney for
Plaintiff

s/Brenda C. Jones
Brenda C. Jones, attorney for
Defendant

¹Because at least some of the terms of the Settlement Agreement and General Release are confidential, the Settlement Agreement and General Release presented to the Court and referenced herein is not being attached as an exhibit to this Order and is not being made part of this Court's record.